

m 257

1954

May 12

Mr. Alfred E. Cloues
State Treasurer
State House

Dear Mr. Cloues:

Under date of May 12, 1954 you have pointed out that there remains unexpended only \$15.00 of the funds appropriated for the purpose of reimbursing towns for bounties on porcupines, and you advise that there are currently in your office claims in this regard totaling approximately \$4,500.00. You advise that you propose to ask a transfer from the Emergency Fund in the amount of \$6,000.00 in order to meet the deficiency in the appropriation. You ask our opinion whether, under the circumstances, such a transfer from the Emergency Fund may properly be made.

Under the provisions of R. L. c. 180, s. 2 as amended by Laws 1933, c. 148, towns are required to pay bounties in the amount of fifty cents for each porcupine killed within their limits and properly delivered to the collector. By R. L. c. 190, s. 5, as amended by Laws 1949, c. 20, the State undertakes to reimburse to the towns, from the state treasury, for sums so paid by the towns. By statute, then, claims properly presented to the State Treasurer represent legal debts of the State. While no time for making such reimbursement is set forth in the statute, payment should be made within a reasonable time.

In our view, failure to make payment of just statutory obligations on the part of the State may imperil the credit of the State. The use of the Emergency Fund to avoid such result is proper.

Very truly yours,

Warren E. Waters
Deputy Attorney General

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